

SENATE AGRICULTURE

EXHIBIT NO. 2

DATE 3-19-09

BILL NO. HB 290

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**From:** Elli Elliott [<mailto:elli@visi.com>]  
**Sent:** Tuesday, January 27, 2009 4:22 PM  
**To:** [merryann@northernplains.org](mailto:merryann@northernplains.org)  
**Subject:** Support of HB 290 / 282

Hi, Merry Ann –

Just FYI I just used the website at the legislature and sent the following message to each of the Agriculture Committee members (list below):

Please support HB 290 and HB 282 to help promote local food and plant production. I regret that I am unable to attend the hearing of the Agriculture Committee in support of these bills. I write as a consumer of local produce and as a citizen of the small town of Red Lodge where our farmer's market draws many people to the main street on Saturdays and helps keep our local economy vital. Currently small producers are required to pay a fee for every location where they sell produce and to fill out excessive amounts of paperwork just to sell a few vegetables or plants. This inhibits the small-scale producers from growing and selling the tasty homegrown fresh vegetables that we have come to enjoy. When there are fewer sellers at the weekly market, fewer customers come and the benefits to other downtown businesses are also diminished. We need legislation that encourages the small producers rather than discouraging them. Local produce is a good thing for the economy, environment and health of all of Montana's citizens. I hope you will support these two pieces of legislation to relax licensing and fee requirements for more small producers. Thank you for all your work on our behalf.



Story available at <http://www.billingsgazette.net/articles/2009/02/11/opinion/letters/50-farmersmarkets.txt>

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## **Letter: Legislation would help farmers' markets**

If you enjoy any of the lively farmers' markets now held in many towns around Montana, you should ask your legislators to support House Bills 282 and 290. These two helpful bills are sponsored by Billings Rep. Wanda Grinde.

Farmers' market-scale growers make a real and ever increasing contribution to the health of Montana's local economies. The Extension Service estimates that \$30 million are added to our in-state economy for every 1 percent more we eat of Montana-produced foods.

Current state regulations are penny-wise and pound foolish. Troublesome licensing, assessment and accounting requirements add up fast both in money and time spent, and are very discouraging to smaller vendors. Grinde's reform bills encourage the kind of wide participation we should want and need.

HB 290 exempts farmers' market-scale produce vendors from both multiple \$50 license requirements and extra fees assessed on every piece of produce sold. HB 282 exempts small nursery plant growers from multiple \$100 licensing requirements.

Grinde's small grower license exemption bills are an important way to support our farmers' market farmers and help grow a healthy local food economy.

**Jeanne Charter, chair**

**Community Food Campaign**

**Yellowstone Valley Citizens Council**

**Shepherd**

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**MONTANA DEPARTMENT OF AGRICULTURE  
AGRICULTURAL SCIENCES DIVISION**

**APPLICATION FOR PRODUCE DEALERS LICENSE**

For Licensing Year Ending December 31,

**BUSINESS NAME** \_\_\_\_\_

**MAILING ADDRESS** \_\_\_\_\_  
Street Address City State Zip

**TELEPHONE** \_\_\_\_\_ **FAX** \_\_\_\_\_

A produce dealer license is required for any person who wholesales produce in the state; transports produce from out of state into this state for retail sales; or retails produce grown by the produce dealer in this state when gross retain sales exceed \$15,000 annually. A separate license is required for each place of business, including vehicles.

*(Please list business or vehicles below at \$50.00 each. Attach additional sheets if needed.)*

1. **LOCATION:** \_\_\_\_\_  
Street Address City State Zip

OR

**VEHICLE:** \_\_\_\_\_  
Make/Model Capacity License Number State

2. **LOCATION:** \_\_\_\_\_  
Street Address City State Zip

OR

**VEHICLE:** \_\_\_\_\_  
Make/Model Capacity License Number State

3. **LOCATION:** \_\_\_\_\_  
Street Address City State Zip

OR

**VEHICLE:** \_\_\_\_\_  
Make/Model Capacity License Number State

4. **LOCATION:** \_\_\_\_\_  
Street Address City State Zip

OR

**VEHICLE:** \_\_\_\_\_  
Make/Model Capacity License Number State

\_\_\_\_\_  
**TOTAL FEE ENCLOSED**

*(Please Print Name and Title)*

**NAME** \_\_\_\_\_ **TITLE** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

FOR OFFICE USE ONLY (30301)

**DATE** \_\_\_\_\_ **AMT** \_\_\_\_\_

CV #

CD #

**NOTE:**

1. Fill out the application form fully. Make any changes to address information on the application form.
2. Each separate place where produce is being sold, including vehicles, must have a produce license and must display the license any time produce is sold.
3. Produce dealers who distributes produce in this state or a grower who retails Montana-grown produce with gross annual sales exceeding \$15,000 shall pay a produce assessment fee. Reports and fees are due on or before the 30<sup>th</sup> day of the month following each calendar quarter.
4. Your license fee will be credited toward the produce assessment fee paid the first reporting quarter of the licensing year.
5. A produce dealer license is not required for a person who retails produce grown by the person in this state if annual gross produce sales do not exceed \$15,000; however, the person shall, upon request by the department, furnish a sworn statement providing that the produce was grown by that person, stating the location where the produce was grown, and stating the amount of gross sales. Affidavit forms for this exemption are available from the department. Nonprofit organizations that are recognized by the director of the department and that retails only produce purchased for licensed produce dealers are also exempt from licensing.
6. Make check or money order payable to the Montana Department of Agriculture.
7. Send application to:  
Montana Department of Agriculture  
Agricultural Sciences Division  
PO Box 200201  
Helena MT 59620-0201
8. Any questions concerning licensing can be answered by phoning (406) 444-5400 or by Fax (406) 444-7336.
9. Please notify the department if you are not renewing your produce license.
10. All requirements for licensing must be completed and in the Helena office before a license can be processed. It takes the Helena office up to three weeks to process a license.

**MONTANA DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL SCIENCES DIVISION**

**PRODUCE ASSESSMENT QUARTERLY REPORT**

**BUSINESS NAME** \_\_\_\_\_

**BUSINESS  
LOCATION**

Street Address

City

State

Zip

**MAILING  
ADDRESS**

Street Address

City

State

Zip

**TELEPHONE** \_\_\_\_\_

**FAX** \_\_\_\_\_

The Montana Produce Act, Sec. 80-3-314 states, "Produce sold or distributed in this state must be reported... and must be assessed a fee per produce unit or equivalent poundage." This fee is established by Administrative Rule, 4.12.1428 at 6 cents per each produce unit. The Montana Produce Act further states, "The produce dealer who first distributes produce in this state or a grower who retails Montana-grown produce with gross annual sales exceeding \$15,000 shall pay the produce assessment fee..."

On the back of this form is a listing of types and sizes of produce units. This list is not all inclusive. If other miscellaneous produce is used in Montana, it should be noted with a similar unit size or listed separately in the miscellaneous area. Please indicate the number of units of each type of produce, total and transfer the information to the front of this form. Return it with your check to:

MONTANA DEPARTMENT OF AGRICULTURE, PO Box 200201, Helena, Montana 59620-0201.  
Phone (406)444-5400 Fax (406)444-7336

Produce Assessment Quarterly Reports and fees are due on or before the 30th day of the month following each calendar quarter. Please submit this form even if there have been no sales.

Period of: \_\_\_\_\_, 2004 through \_\_\_\_\_, 2004

Total Produce units \_\_\_\_\_ times the per unit fee of 6 cents = Total Fee \$ \_\_\_\_\_

The information contained on the back of this form or supplied in the accompanying approved format, constitutes all the produce shipped in Montana for the quarterly period stated.

**NAME** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

FOR OFFICE USE ONLY

30302

DATE \_\_\_\_\_ AMT \_\_\_\_\_

CK # \_\_\_\_\_ CR # \_\_\_\_\_

# PRODUCE SALES CHART

PRODUCE	LBS. OR ITEMS PER UNIT CODE	# OF UNITS	PRODUCE	LBS. OR ITEMS PER UNIT CODE	# OF UNITS
Apples	40 lbs. (01)		Escarole	24 count	
Apricots	28 lbs. (02)		Green Leaf	24 count	
Artichokes	15 lbs. (03)		Red Leaf	24 count	
Asian Pears	20 lbs. (04)		Romaine	24 count	
Asparagus	30 lbs. (05)		Limes	35 lbs. (44)	
Avocados	60-70 count (06)		Mangos	12 lbs. (45)	
Bananas	40 lbs. (07)		Mushrooms	10 lbs. (46)	
Beans, green	28 lbs. (08)		Mustard greens	24 count (47)	
Beets	24 bunches (09)		Nectarines	20 lbs. (48)	
Blackberries	12-1/2 pints (10)		Okra	10 lbs. (49)	
Blueberries	12-1 pints (11)		Onion, Dry	50 lbs. (50)	
Bok Choy	12 count (12)		Onions, Green	48 bunches (51)	
Boysenberries	12-1/2 pints (13)		Oranges	37 lbs. (52)	
Broccoflower	25 lbs. (14)		Papayas	12 lbs. (53)	
Broccoli	25 lbs. (15)		Parsley	60 bunches (54)	
Brussels Sprouts	25 lbs. (16)		Parsnips	25 lbs. (55)	
Cabbage	50 lbs. (17)		Peaches	20 lbs. (56)	
Cantaloupes	35 lbs. (18)		Pears	35 lbs. (57)	
Carrots	50 lbs. (19)		Peas, Green/Sweet	12 lbs. (58)	
Cauliflower	28 lbs. (20)		Peppers	28 lbs. (59)	
Cilantro	12 lbs. (21)		Pineapple	35 lbs. (60)	
Celery	45 lbs. (22)		Plums	24 lbs. (61)	
Cherries	20 lbs. (23)		Potatoes	100 lbs. (62)	
Chicory	10 lbs. (24)		Prunes	24 lbs. (63)	
Coconuts	25 lbs. (25)		Pumpkins	100 lbs. (64)	
Collard greens	24 count (26)		Radishes	48 bunches (65)	
Corn	60 ears (27)		Raspberries	12-1/2 pints (66)	
Cranberries	25 lbs. (28)		Rhubarb	20 lbs. (67)	
Cucumbers	30 lbs. (29)		Rutabagas	25 lbs. (68)	
Currants	12 -1/2 pints (30)		Shallots	10 lbs. (69)	
Egg Plant	25 lbs. (31)		Spinach	24 count (70)	
Garlic	10 lbs. (32)		Sprouts	12 count (71)	
Ginger Root	10 lbs. (33)		Squash	(72)	
Grapefruit	35 lbs. (34)		Summer type	20 lbs.	
Grapes	20 lbs. (35)		Winter type	50 lbs.	
Honeydew Melons	20 lbs. (36)		Star fruit	15 lbs. (73)	
Horseradish roots	10 lbs. (37)		Strawberries	12 - 1 pints (74)	
Jicama	20 lbs. (38)		Sweet Potatoes	40 lbs. (75)	
Kale greens	24 count (39)		Tangelos	35 lbs. (76)	
Kiwifruit	10 lbs. (40)		Tangerines	35 lbs. (77)	
Leeks	24 count (41)		Tomatoes	28 lbs. (78)	
Lemons	35 lbs. (42)		Turnips	25 lbs. (79)	
Lettuce	(43)		Watermelons	100 lbs. (80)	
Head	24 count		Yams	40 lbs. (81)	
Butter	24 count		Miscellaneous	50 lbs. (82)	
Endive	24 count				
SUBTOTAL				SUBTOTAL	
		TOTAL			